

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:)

CRISTAL DAWN SPELLER, M.D.)

Physician's and Surgeon's)
Certificate No. A 62390)

Respondent.)
_____)

Case No. 02-2009-201789

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Medical Board of California, Department of Consumer Affairs, State of California, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on April 11, 2014.

IT IS SO ORDERED March 12, 2014.

MEDICAL BOARD OF CALIFORNIA

By: Dev Gnanadev MD
Dev Gnanadev, M.D., Chair
Panel B

KAMALA D. HARRIS
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**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**CRISTAL DAWN SPELLER, M.D.
P.O. Box 4001
Glendale, CA 91202-0001**

Physician's and Surgeon's No. A62390

Respondent.

Case No. 02-2009-201789

OAH No. SA2012106588

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. Kimberly Kirchmeyer ("Complainant") is the Interim Executive Officer of the Medical Board of California. She brought this action solely in her official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by Michelle L. Angus, Deputy Attorney General.

2. Respondent Cristal Dawn Speller, M.D. ("Respondent") is represented in this proceeding by attorney Tracy Green, whose address is: 801 S. Figueroa Street, Suite 1200 Los Angeles, CA 90017

3. On or about May 16, 1997, the Medical Board of California issued Physician's and Surgeon's Certificate No. A62390 to Cristal Dawn Speller, M.D. (Respondent). The Physician's

and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 02-2009-201789 and will expire on February 28, 2013, unless renewed.

JURISDICTION

4. Accusation No. 02-2009-201789 was filed before the Medical Board of California (Board) , Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on August 6, 2012. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 02-2009-201789 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 02-2009-201789. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 02-2009-201789, if proven at a hearing, constitute cause for imposing discipline upon her Physician's and Surgeon's.

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10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up her right to contest those charges.

11. Respondent agrees that her Physician's and Surgeon's is subject to discipline and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

RESERVATION

12. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Medical Board of California or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

13. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

14. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

15. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A62390 issued to Respondent Cristal Dawn Speller, M.D. (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

1. **EDUCATION COURSE.** Within 60 calendar days of the effective date of this Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee for its prior approval educational program(s) or course(s) which shall not be less than 40 hours per year, for each year of probation. The educational program(s) or course(s) shall be aimed at correcting any areas of deficient practice or knowledge and shall be Category I certified. The educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure. Following the completion of each course, the Board or its designee may administer an examination to test Respondent's knowledge of the course. Respondent shall provide proof of attendance for 65 hours of CME of which 40 hours were in satisfaction of this condition.

2. **PRESCRIBING PRACTICES COURSE.** Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in prescribing practices equivalent to the Prescribing Practices Course at the Physician Assessment and Clinical Education Program, University of California, San Diego School of Medicine (Program), approved in advance by the Board or its designee. Respondent shall provide the program with any information and documents that the Program may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The prescribing practices course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME)

requirements for renewal of licensure.

A prescribing practices course taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have been approved by the Board or its designee had the course been taken after the effective date of this Decision.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the course, or not later than 15 calendar days after the effective date of the Decision, whichever is later.

3. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in medical record keeping equivalent to the Medical Record Keeping Course offered by the Physician Assessment and Clinical Education Program, University of California, San Diego School of Medicine (Program), approved in advance by the Board or its designee. Respondent shall provide the program with any information and documents that the Program may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The medical record keeping course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

Respondent completed the Medical Record Keeping Course offered by the Physician Assessment and Clinical Education Program, University of California, San Diego School of Medicine in approximately October 2013. Respondent shall receive credit for completing this course in satisfaction of this condition.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the course, or not later than 15 calendar days after the effective date of the Decision, whichever is later.

4. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days

of the effective date of this Decision, Respondent shall enroll in a professionalism program, that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.

Respondent shall participate in and successfully complete that program. Respondent shall provide any information and documents that the program may deem pertinent. Respondent shall successfully complete the classroom component of the program not later than six (6) months after Respondent's initial enrollment, and the longitudinal component of the program not later than the time specified by the program, but no later than one (1) year after attending the classroom component. The professionalism program shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A professionalism program taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the program would have been approved by the Board or its designee had the program been taken after the effective date of this Decision.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the program or not later than 15 calendar days after the effective date of the Decision, whichever is later.

5. MONITORING - PRACTICE/BILLING. Within 30 calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for prior approval as a practice monitor(s), the name and qualifications of one or more licensed physicians and surgeons whose licenses are valid and in good standing, and who are preferably American Board of Medical Specialties (ABMS) certified. A monitor shall have no prior or current business or personal relationship with Respondent, or other relationship that could reasonably be expected to compromise the ability of the monitor to render fair and unbiased reports to the Board, including but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

The Board or its designee shall provide the approved monitor with copies of the

Decision(s) and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the signed statement for approval by the Board or its designee.

Within 60 calendar days of the effective date of this Decision, and continuing throughout probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall make all records available for immediate inspection and copying on the premises by the monitor at all times during business hours and shall retain the records for the entire term of probation.

If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective date of this Decision, Respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. Respondent shall cease the practice of medicine until a monitor is approved to provide monitoring responsibility.

The monitor(s) shall submit a quarterly written report to the Board or its designee which includes an evaluation of Respondent's performance, indicating whether Respondent's practices are within the standards of practice of medicine, and whether Respondent is practicing medicine safely, billing appropriately or both. It shall be the sole responsibility of Respondent to ensure that the monitor submits the quarterly written reports to the Board or its designee within 10 calendar days after the end of the preceding quarter.

If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior approval, the name and qualifications of a replacement monitor who will be assuming that responsibility within 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified Respondent shall cease the practice of medicine until a

replacement monitor is approved and assumes monitoring responsibility.

In lieu of a monitor, Respondent may participate in a professional enhancement program equivalent to the one offered by the Physician Assessment and Clinical Education Program at the University of California, San Diego School of Medicine, that includes, at minimum, quarterly chart review, semi-annual practice assessment, and semi-annual review of professional growth and education. Respondent shall participate in the professional enhancement program at Respondent's expense during the term of probation.

6. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to Respondent, at any other facility where Respondent engages in the practice of medicine, including all physician and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage to Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15 calendar days. This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

7. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, Respondent is prohibited from supervising physician assistants.

8. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California and remain in full compliance with any court ordered criminal probation, payments, and other orders.

9. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation.

Respondent shall submit quarterly declarations not later than 10 calendar days after the end of the preceding quarter.

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10. GENERAL PROBATION REQUIREMENTS.

Compliance with Probation Unit

Respondent shall comply with the Board's probation unit and all terms and conditions of this Decision.

Address Changes

Respondent shall, at all times, keep the Board informed of Respondent's business and residence addresses, email address (if available), and telephone number. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code section 2021(b).

Place of Practice

Respondent shall not engage in the practice of medicine in Respondent's or patient's place of residence, unless the patient resides in a skilled nursing facility or other similar licensed facility.

License Renewal

Respondent shall maintain a current and renewed California physician's and surgeon's license.

Travel or Residence Outside California

Respondent shall immediately inform the Board or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) calendar days.

In the event Respondent should leave the State of California to reside or to practice Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of departure and return.

11. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be available in person upon request for interviews either at Respondent's place of business or at the probation unit office, with or without prior notice throughout the term of probation.

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12. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or its designee in writing within 15 calendar days of any periods of non-practice lasting more than 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is defined as any period of time Respondent is not practicing medicine in California as defined in Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All time spent in an intensive training program which has been approved by the Board or its designee shall not be considered non-practice. Practicing medicine in another state of the United States or Federal jurisdiction while on probation with the medical licensing authority of that state or jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-practice.

In the event Respondent's period of non-practice while on probation exceeds 18 calendar months, Respondent shall successfully complete a clinical training program that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

Respondent's period of non-practice while on probation shall not exceed two (2) years.

Periods of non-practice will not apply to the reduction of the probationary term.

Periods of non-practice will relieve Respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; and General Probation Requirements.

13. COMPLETION OF PROBATION. Respondent shall comply with all financial obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the completion of probation. Upon successful completion of probation, Respondent's certificate shall be fully restored.

14. VIOLATION OF PROBATION. Failure to fully comply with any term or condition of probation is a violation of probation. If Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke

Probation, or an Interim Suspension Order is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

15. LICENSE SURRENDER. Following the effective date of this Decision, if Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request to surrender his or her license. The Board reserves the right to evaluate Respondent's request and to exercise its discretion in determining whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its designee and Respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation. If Respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

16. PROBATION MONITORING COSTS. Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Tracy Green. I understand the stipulation and the effect it will have on my Physician's and Surgeon's. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

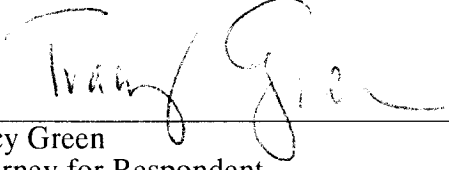
DATED:

1-10-14


CRISTAL DAWN SPELLER, M.D.
Respondent

I have read and fully discussed with Respondent Cristal Dawn Speller, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 11/2/20



Tracy Green
Attorney for Respondent

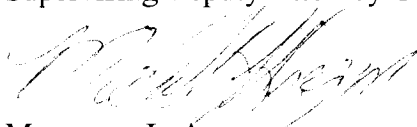
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated:

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General


MICHELLE L. ANGUS
Deputy Attorney General
Attorneys for Complainant

SA2012106588

Exhibit A

Accusation No. 02-2009-201789

1 KAMALA D. HARRIS
Attorney General of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 MICHELLE L. ANGUS
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7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO August 6, 2012
BY: Thelma ANALYST

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 02-2009-201789

13 **CRISTAL DAWN SPELLER, M.D.**
P.O. Box 4001
14 Glendale, CA 91202-0001

ACCUSATION

15 Physician's and Surgeon's Certificate
No. A62390

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Director of the Medical Board of California, Department of Consumer Affairs.

22 2. On or about May 16, 1997, the Medical Board of California issued Physician's and
23 Surgeon's Certificate Number A 62390 to Cristal Dawn Speller, M.D. (Respondent). The
24 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the
25 charges brought herein and will expire on February 28, 2013, unless renewed.

26 ///

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28 ///

JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Division deems proper.

5. Section 2234 of the Code states:

"The Division of Medical Quality¹ shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter [Chapter 5, the Medical Practice Act].

"(b) Gross negligence.

"(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

"(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

"(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the

¹ California Business and Professions Code section 2002, as amended and effective January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in the State Medical Practice Act (Cal. Bus. & Prof. Code §§ 2000, et seq.) means the "Medical Board of California," and references to the "Division of Medical Quality" and "Division of Licensing" in the Act or any other provision of law shall be deemed to refer to the Board.

1 applicable standard of care, each departure constitutes a separate and distinct breach of the
2 standard of care.

3 "(d) Incompetence.

4 "(e) The commission of any act involving dishonesty or corruption which is substantially
5 related to the qualifications, functions, or duties of a physician and surgeon.

6 "(f) Any action or conduct which would have warranted the denial of a certificate."

7 6. Section 2242 of the Code states:

8 "(a) Prescribing, dispensing, or furnishing dangerous drugs as defined in Section 4022
9 without an appropriate prior examination and a medical indication, constitutes unprofessional
10 conduct.

11 "(b) No licensee shall be found to have committed unprofessional conduct within the
12 meaning of this section if, at the time the drugs were prescribed, dispensed, or furnished, any of
13 the following applies:

14 "(1) The licensee was a designated physician and surgeon or podiatrist serving in the
15 absence of the patient's physician and surgeon or podiatrist, as the case may be, and if the drugs
16 were prescribed, dispensed, or furnished only as necessary to maintain the patient until the return
17 of his or her practitioner, but in any case no longer than 72 hours.

18 "(2) The licensee transmitted the order for the drugs to a registered nurse or to a licensed
19 vocational nurse in an inpatient facility, and if both of the following conditions exist:

20 "(A) The practitioner had consulted with the registered nurse or licensed vocational nurse
21 who had reviewed the patient's records.

22 "(B) The practitioner was designated as the practitioner to serve in the absence of the
23 patient's physician and surgeon or podiatrist, as the case may be.

24 "(3) The licensee was a designated practitioner serving in the absence of the patient's
25 physician and surgeon or podiatrist, as the case may be, and was in possession of or had utilized
26 the patient's records and ordered the renewal of a medically indicated prescription for an amount
27 not exceeding the original prescription in strength or amount or for more than one refill.
28

1 "(4) The licensee was acting in accordance with Section 120582 of the Health and Safety
2 Code."

3 7. Section 2238 of the Code states:

4 "A violation of any federal statute or federal regulation or any of the statutes or regulations
5 of this state regulating dangerous drugs or controlled substances constitutes unprofessional
6 conduct."

7 8. Section 2052 of the Code states:

8 "(a) Notwithstanding Section 146, any person who practices or attempts to practice, or who
9 advertises or holds himself or herself out as practicing, any system or mode of treating the sick or
10 afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment,
11 blemish, deformity, disease, disfigurement, disorder, injury, or other physical or mental condition
12 of any person, without having at the time of so doing a valid, unrevoked, or unsuspended
13 certificate as provided in this chapter [Chapter 5, the Medical Practice Act], or without being
14 authorized to perform the act pursuant to a certificate obtained in accordance with some other
15 provision of law, is guilty of a public offense, punishable by a fine not exceeding ten thousand
16 dollars (\$10,000), by imprisonment in the state prison, by imprisonment in a county jail not
17 exceeding one year, or by both the fine and either imprisonment.

18 "(b) Any person who conspires with or aids or abets another to commit any act described in
19 subdivision (a) is guilty of a public offense, subject to the punishment described in that
20 subdivision.

21 "(c) The remedy provided in this section shall not preclude any other remedy provided by
22 law."

23 **FIRST CAUSE FOR DISCIPLINE**
24 **(Gross Negligence – Fictitious Patient A.J. Walsh)**
 [Bus. & Prof. Code § 2234(b)]

25 9. Respondent is subject to disciplinary action under section 2234 in that her care and
26 treatment of fictitious patient A.J. Walsh constitutes gross negligence. The circumstances are as
27 follows:
28

1 10. Respondent is the owner and practitioner of Natural Care for Wellness in Chico,
2 California.

3 11. On or about December 21, 2010, patient A.J. Walsh, an undercover agent, arrived at
4 Natural Care for Wellness in Chico, California and completed new-patient, intake paperwork.
5 One of the questions in the intake paperwork asked patient Walsh whether he had medical
6 documentation of his condition with him; patient Walsh answered the question negatively. The
7 clinic receptionist informed Walsh that without his medical documentation, he would not be able
8 to get a marijuana recommendation. The receptionist further told Walsh that he could go to an
9 Urgent Care Clinic or Immediate Care nearby and say that he was having trouble with insomnia.
10 The receptionist informed Walsh that the clinic would likely write it down and prescribe
11 something and Walsh could then bring the prescription back to the Natural Care for Wellness
12 clinic to verify that he had seen a physician. The receptionist told Walsh to try and get the
13 doctor's notes as he exited, but advised that that might not be possible. The receptionist told
14 Walsh that the Natural Care for Wellness clinic closed at 2:00 p.m., and that if he could get back
15 before then with the prescription, he would receive a three-month recommendation. The
16 receptionist told Walsh that there was not a physician in the office who could see Walsh for his
17 insomnia, since for legal purposes two physicians needed to say that Walsh had a problem.

18 12. On January 18, 2011, fictitious patient Walsh returned to the Natural Care for
19 Wellness clinic in Chico, California. Walsh brought with him the intake papers he had previously
20 filled-out along with medical records that had been created by a Board physician-consultant.
21 Walsh paid a \$125 fee and was then called back into the office and met physician assistant D.R.²
22 Walsh observed a blood pressure cuff on PA D.R.'s desk but no other medical equipment. PA
23 D.R. did not perform a physical examination on Walsh. PA D.R. asked Walsh about the main
24 problem he was suffering from, which was insomnia. PA D.R. asked Walsh if cannabis had
25 helped Walsh sleep, and Walsh responded that he had tried it and it helped. PA D.R.
26 recommended eating the cannabis so as to avoid getting it in the lungs or using a vaporizer if he

27 ² Initials are used throughout this pleading to identify Respondent's employed physician
28 assistant to protect his privacy.

1 chose to smoke it on a regular basis. Walsh was then provided with a recommendation that had
2 been pre-signed by Respondent.

3 13. Respondent's actions constitute gross negligence and subject her to discipline within
4 the meaning of Section 2234(b) of the Code in that:

5 a. Respondent failed to personally perform an examination of Walsh before issuing a
6 medical marijuana recommendation, failed to personally conclude that Walsh had a serious
7 medical condition and that the medical use of marijuana was appropriate, and inappropriately
8 provided Walsh with a pre-signed medical marijuana recommendation; and

9 b. Respondent failed to properly supervise PA D.R. by delegating the examination of
10 Walsh to PA D.R., a task for which PA D.R. is not licensed.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Dishonesty).**

13 **(Bus. & Prof. Code § 2034(e))**

14 14. Complainant realleges paragraphs 9-13 above and incorporates them by reference as
15 if fully set forth herein.

16 15. Respondent is subject to disciplinary action under section 2234 in that she permitted
17 her office staff to "coach" patients regarding their current medical condition and how to quickly
18 get the necessary medical documentation needed to facilitate the issuance of a medical marijuana
19 recommendation.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Prescribing Without a Medical Examination – Fictitious Patient A.J. Walsh)**

22 **(Bus. & Prof. Code §2242)**

23 16. Complainant realleges paragraphs 9-13 above and incorporates them by reference as
24 if fully set forth herein.

25 17. Respondent is subject to disciplinary action under section 2242 in that she failed to
26 perform an appropriate examination of and/or find medical indication for a medical marijuana
27 recommendation for fictitious patient Walsh.

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FOURTH CAUSE FOR DISCIPLINE
(Gross Negligence – Fictitious Patient Adam Carter)
(Bus. & Prof. Code § 2234(b))

18. Respondent is subject to disciplinary action under section 2234 in that her care and treatment of fictitious patient Adam Carter constitutes gross negligence. The circumstances are as follows:

19. Respondent is the owner and practitioner of Natural Care for Wellness in Redding, California.

20. On or about February 24, 2011, patient Adam Carter, an undercover agent, arrived at Natural Care for Wellness in Redding, California with fictitious medical records created by a Board physician-consultant. Carter provided the medical records to the receptionist and was asked to complete intake paperwork. In response to Carter's inquiry as to whether Respondent was present at the clinic, Carter was informed that Respondent was not present and was out on maternity leave.

21. Carter was subsequently called into the back and interviewed by PA D.R. After reviewing Carter's medical records, PA D.R. asked if Carter was there for foot pain, which Carter confirmed. PA D.R. asked Carter if he takes any medication and Carter responded only for headaches. PA D.R. asked Carter if he had tried cannabis for the pain, and Carter responded that he had. PA D.R. further asked Carter if he had seen an orthopedist, and Carter said that he had seen an orthopedist a long time ago. PA D.R. asked Carter if his ankle ever swelled. Carter responded that he was not aware of swelling and could not tell. PA D.R. did not perform a physical examination on Carter, and Carter did not observe any medical equipment. PA D.R. then asked Carter if he smoked the cannabis, which Carter said that he did, and PA D.R. recommended edible products for long-term use or if smoking on a regular basis to consider using a vaporizer. PA D.R. then provided Carter with a recommendation for marijuana with a stamped signature of Respondent.

22. Respondent's actions constitute gross negligence and subject her to discipline within the meaning of Section 2234(b) of the Code in that:

1 a. Respondent failed to personally perform an examination of Carter before issuing a
2 medical marijuana recommendation, failed to personally conclude that Carter had a serious
3 medical condition and that the medical use of marijuana was appropriate, and inappropriately
4 provided Carter with medical marijuana recommendation with her stamped signature; and

5 b. Respondent failed to properly supervise PA D.R. by delegating the examination of
6 Walsh to PA D.R., a task for which PA D.R. is not licensed.
7

8 **FIFTH CAUSE FOR DISCIPLINE**
9 **(Prescribing Without a Medical Examination – Fictitious Patient Adam Carter)**
 (Bus. & Prof. Code §2242)

10 23. Complainant realleges paragraphs 18-22 above and incorporates them by reference as
11 if fully set forth herein.

12 24. Respondent is subject to disciplinary action under section 2242 in that she failed to
13 perform an appropriate examination of and/or find medical indication for a medical marijuana
14 recommendation for fictitious patient Carter.

15 **SIXTH CAUSE FOR DISCIPLINE**
16 **(Aiding and Abetting the Unlicensed Practice of Medicine)**
17 **(Bus. & Prof. Code § 2052(b))**

18 25. Complainant realleges paragraphs 9-13 and 18-22 above and incorporates them by
19 reference as if fully set forth herein.

20 26. Respondent is subject to disciplinary action under section 2052(b) in that she
21 facilitated the unlicensed practice of medicine by delegating the medical examination of fictitious
22 patients Walsh and Carter to PA D.R.

23 **PRAYER**

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
25 and that following the hearing, the Medical Board of California issue a decision:

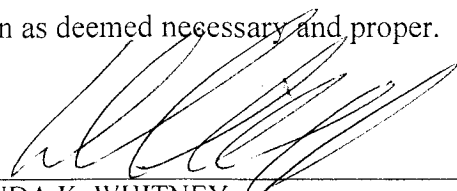
26 1. Revoking or suspending Physician's and Surgeon's Number A62390, issued to Cristal
27 Dawn Speller, M.D.
28

1 2. Revoking, suspending or denying approval of Cristal Dawn Speller, M.D.'s authority
2 to supervise physician's assistants, pursuant to section 3527 of the Code;

3 3. Ordering Cristal Dawn Speller, M.D. to pay the costs of probation monitoring, if
4 placed on probation; and

5 4. Taking such other and further action as deemed necessary and proper.

6
7 DATED: August 6, 2012



LINDA K. WHITNEY
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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